

REMARKS

In accordance with the foregoing, claims 2-12 are amended; thus, the pending claims 1-12 remain for reconsideration, which is respectfully requested.

No new matter has been added and accordingly, entry and approval of the amended claims 2-12 is respectfully requested.

STATUS OF THE CLAIMS:

Claims 1-12 are pending.

Claims 2-6 and 8-12 are rejected.

Claim 1 is allowed.

Claim 7 is objected to.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicant(s) request(s) entry of this Rule 116 Response and Request for Reconsideration because:

(a) it is believed that the amendment of claims 2-6 and 8-12 puts this application into condition for allowance as suggested by the Examiner;

(b) the amendments of claims 2-12 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and/or

(c) the amendment(s) do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised; and/or

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

ITEM 1: OBJECTION TO CLAIM 7

The Office Action, at item 1, objects to claim 7, asserting: "claim 7 is objected to because of the following informalities: in line 8, 'as a minimal value' should be 'between a minimal value.'"

In accordance with the foregoing, claim 7 is amended, taking into consideration the Examiner's comments and suggestions. Accordingly, Applicants respectfully request withdrawal of the objection to claim 7.

ITEMS 2-3: REJECTION OF CLAIMS 2, 3, 5, 6, 8, 9, 11 AND 12 UNDER 35 U.S.C. §112, FIRST PARAGRAPH, AS ALLEGEDLY FAILING TO COMPLY WITH THE WRITTEN DESCRIPTION REQUIREMENT

This rejection is respectfully traversed.

The Office Action, at item 3, asserts: "The specification on page 15, lines 26-34 supports the 'first average' substantially equal to $(\text{Min} + 0.25(\text{Max} - \text{Min}))$ but not substantially equal to $0.25(\text{Max} - \text{Min})$, and supports the 'second average' substantially equal to $(\text{Min} + 0.75(\text{Max} - \text{Min}))$ but not substantially equal to $0.75(\text{Min} + \text{Max})$."

In accordance with the foregoing, claims 2, 5, 8 and 11 are amended, taking into consideration the Examiner's comments and suggestions. Applicants respectfully submit that claims 2, 5, 8 and 11 comply with the requirements of 35 U.S.C. §112, first paragraph. Accordingly, withdrawal of the rejection of claims 2, 5, 8 and 11 is respectfully requested.

Furthermore, the Office Action, at item 3, asserts: "The specification on page 14, lines 9-16 supports the optimal identification level set between $(\text{Id1} + 0.3(\text{Id2} - \text{Id1}))$ and $(\text{Id1} + 0.4(\text{Id2} - \text{Id1}))$, but not between $0.3(\text{Id1} + \text{Id2})$ and $0.4(\text{Id1} + \text{Id2})$."

In accordance with the foregoing, claims 3, 6, 9 and 12 are amended, taking into consideration the Examiner's comments and suggestions. Applicants respectfully submit that claims 3, 6, 9 and 12 comply with the requirements of 35 U.S.C. §112, first paragraph. Accordingly, withdrawal of the rejection of claims 3, 6, 9 and 12 is respectfully requested.

ITEMS 4-5: REJECTION OF CLAIM 4 AND 10 UNDER 35 U.S.C. §112, SECOND PARAGRAPH, AS ALLEGEDLY BEING INDEFINITE FOR FAILING TO PARTICULARLY POINT OUT AND DISTINCTLY CLAIM THE SUBJECT MATTER

This rejection is respectfully traversed.

The Office Action, at item 5, asserts "Claims 4 and 10 recite the limitation of the 'monitoring limiter amplifier *configured similarly to the limiter amplifier* and receiving the electrical

signal' [emphasis added]. The claims are indefinite because the scope of this limitation (the emphasized portion) is unclear."

In accordance with the foregoing, claims 4 and 10 are amended, taking into consideration the Examiner's comments and suggestions. Applicants respectfully submit that claims 4 and 10 comply with the requirements of 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of the rejection of claims 4 and 10 is respectfully requested.

ITEMS 6-7: ALLOWABLE SUBJECT MATTER:

The Office, at item 6 and 7, indicates claim 1 is allowed and claim 7 "would be allowable if the objection was overcome." In accordance with the foregoing, Applicant's respectfully submit that claim 7 is in condition for allowance. Furthermore, Applicants respectfully submit that claims 2-6 and 8-12 are also in condition for allowance.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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